BOMBAY ACT No. IV OF 1950.[1]

[THE BOMBAY MERGED STATES (LAWS) ACT, 1950.]

[*30th March 1950*]

Amended by Bom. 44 of 1950.
" " " 46 of 1950.
" " " 21 of 1951.

An Act to extend certain Acts and Regulations to certain areas administered as parts of the State of Bombay.

26 Geo. 5, Ch. 2. WHEREAS by order under section 290A of the Government of India Act, 1935, provision had been made for the administration of certain areas comprised in the merged States as if they formed part of the Province of Bombay;

Bom. Ordinance No. VI of 1949. AND WHEREAS the Bombay Merged States (Laws) Ordinance, 1949, has been promulgated under section 88 of the said Act extending certain Acts and Regulations to the said merged States;

AND WHEREAS the territory of the State of Bombay now comprises the territories of the said merged States;

AND WHEREAS it is expedient to extend certain Acts and Regulations to the said areas;

It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bombay Merged States (Laws) Act, 1950.

Definitions. **2.** In this Act, the expression "merged States" has the same meaning as in the States' Merger (Governors' Provinces) Order, 1949.

Extension of laws. **3.** (*1*) All the Acts and Regulations, specified in the First Schedule, and so much of the Acts and Ordinance specified in the Second Schedule as relates to matters with respect to which the State Legislature has power to make laws are hereby extended to, and shall be in force in the merged States.

(*2*) The Acts specified in the first column of the Third Schedule shall be amended in their application to the merged States specified in the second column in the manner set forth in the third column of that Schedule.

(*3*) (*a*) Subject to the provisions of clause (*b*) and the proviso to sub-section (*1*) of section 4, all appointments, delegations, notifications, orders, bye-laws, rules and regulations made, issued or prescribed under any Act, Ordinance or Regulation hereby extended to the merged States shall be deemed to extend to and be in force in the merged States.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 137.

(*b*) Where any such appointment, delegation, notification, order, bye-law, rule or regulation has been made, issued or prescribed in respect of any specified local area, it shall be deemed to extend to and to be in force also in any area of the merged States which has been included in such local area under any law for the time being in force.

Repeal of corresponding laws.

4. (*1*) If immediately before the commencement of this Act, there is in force in any of the merged States an Act, Ordinance, Regulation or any other law corresponding to an Act, Ordinance or Regulation specified in the First or Second Schedule, whether by virtue of an Order under the Extra-Provincial Jurisdiction Act, 1947 applying that Act, Ordinance or Regulation or by virtue of any other legislative power, such law corresponding to the Act or Regulation specified in the First Schedule or any part of such law corresponding to so much of an Act or Ordinance specified in the Second Schedule as relates to matters with respect to which the State Legislature has power to make laws, shall upon the commencement of this Act cease to have effect in any such merged State : XLVII of 1947.

Provided that all appointments, delegations, notifications, orders, bye-laws, rules and regulations which have been made, issued or prescribed under such law or any part of such law exclusively in respect of any area of the merged States forming part of the Districts of Banas Kantha, Sabar Kantha, Mehsana, Amreli, Baroda and Kolhapur and in force immediately before the commencement of this Act in any such area shall be deemed to have been made, issued or prescribed under the corresponding provision of the Act, Ordinance or Regulation extended to the merged States under section 3 and shall continue in force until it is altered, repealed or amended by a competent authority.

(*2*) Without prejudice to the generality of, and subject to the provisions contained in sub-section (*1*), the laws specified in the Fourth Schedule shall cease to have effect and are hereby repealed.

Certain laws to continue in force in certain States.

5. Notwithstanding anything contained in the foregoing provisions the enactments specified in the first column of the Fifth Schedule shall continue in force in the merged States specified in the second column of that Schedule as if they are enacted by the State Legislature until they are altered, repealed or amended by the said Legislature or any other competent authority.

Saving of Limitation.

6. Notwithstanding anything contained in this Act, if the period of limitation prescribed by the Indian Limitation Act, 1908, for any suit, appeal or application is less than the period prescribed by any corresponding law in force in the merged States immediately before the commencement of an Order applying to any of the said States, the Indian Limitation Act, 1908, under the Extra-Provincial Jurisdiction Act, 1947, such suit, appeal or application may be instituted within two years next after the date of the commencement of such order or within the period prescribed by such corresponding law, whichever period first expires. IX of 1908. IX of 1908. XLVII of 1947.

Repeal.

7. The Bombay Merged States (Laws) Ordinance, 1949, is hereby repealed and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal, as if that Ordinance were an enactment. Bom. Ordinance No. VI of 1949. Bom. I of 1904.

Enactments.	Names of States.		Amendments.
1	2		3
The Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925)—*contd.*	Baroda.		Provided that the municipality may alter or cancel any such regular line if having regard to the needs of traffic— (*a*) it was before the aforesaid date classified by the municipality with the sanction of the Government of the former Baroda State, as unimportant, or (*b*) it is so classified by the municipality with the sanction of the State Government within two years from the commencement of the Bombay Merged States (Laws) (Second Amendment) Act, 1951." (*ii*) in sub-section (*3*), the following shall be added at the end, namely :— "*Explanation.*—For the purposes of this section, 'the regular line of the public street' shall include a regular line of public street prescribed or sanctioned by the Government of the former Baroda State at any time prior to the 30th day of July 1949".]
		Bom. XXXII of 1951.	
[1][The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States	..	In sub-section (*3*) of section 1, the following proviso shall be added at the end, namely :— "Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part of the said States."]
[2][The Bombay Medical Act, 1912 (Bom. VI of 1912).	All merged States	..	After section 8, the following new section shall be inserted, namely :— "8A. Notwithstanding anything contained in section 7, every person— Registration of medical practitioners registered in merged States. (*a*) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State ; and (*b*) who holds any of the qualifications specified in the Schedule to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act.
		XXVII of 1933.	

[1] This entry was added by Bom. 44 of 1950, s. 2.
[2] These entries were added by Bom. 21 of 1951, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Medical Act, 1912 (Bom. VI of 1912)—*contd.*	All merged States	(*2*) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''
The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States .. Registration of persons registered in merged States.	(*1*) After section 17, the following new section shall be inserted, namely:— ''17A. (*1*) Notwithstanding anything contained in section 16, every practitioner, whose name immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act. (*2*) If any question arises whether any person is deemed to be a registered practitioner under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''
	Registration of other persons registered in merged States.	(*2*) After section 18, the following new section shall be inserted, namely:— ''18-1A. (*1*) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger of the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list. (*2*) If any question arises whether a person is entitled to have his name entered in the list under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.''] Bom. VI of 1912.
[1][The Bombay Local Boards Act, 1923 (Bom. VI of 1923).	All merged States ..	To section 93, the following sub-section shall be added, namely:— ''(*3*) Notwithstanding anything contained in sub-section (*1*), the State Government may, having regard to the standard rate of assessment in any area, by notification in the *Official Gazette* direct that no cess shall be levied in such area for such period or that the cess shall be levied in such area for such period at such lower rate, as may be specified in the notification''.]

[1] This entry was added by Bom. 49 of 1953, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Sugarcane Cess Act. 1948 (Bom. LXXXII of 1948).	Ambaliara. Balasinor. Bansda. Baria. Bhaderwa. Cambay. Chota Udepur. Dharampur. Ghodasar. Idar. Ilol. Jambughoda. Jawhar. Katosan. Khadal. Lunawada. Malpur. Mansa. Mohanpur. Palanpur. Punadra. Radhanpur. Rajpipla (including Segbara). Ranasan. Sachin. Sanjeli. Sant. Sudasna. Surgana. Tharad. Valasna. Varsoda. Vasna. Vijaynagar. Wao.	In section 15, for the words and figures "first day of January, 1948" the word and figures "28th May 1948" shall be substituted.
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948).	Danta ...	... In section 15, for the words and figures "first day of January 1948" the word and figures "4th November 1948" shall be substituted.
The Bombay District Municipal Act. 1901 (Bom. III of 1901).	Baroda ...	... After section 180 of the Bombay District Municipal Act, 1901 (Bom. III of 1901), the following section shall be inserted, namely :—
		"180-A. (*1*) Notwithstanding anything contained in the foregoing provisions of this Act, such rules, by-laws, or orders made, issued or sanctioned by or in respect of any of the Municipalities whether constituted under the A Class Municipalities Act (Baroda No. XII of 1949) or the B Class Municipalities Act (Baroda No. XIV of 1949) of the former Baroda State (hereinafter called "the said Municipalities" and "the said Baroda Municipalities Acts" respectively) as were in force immediately before the 30th day of July 1949 under the said Baroda Municipalities Acts, shall in so far as they are consistent with the provisions of the Bombay District Municipal Act, 1901 (Bom. III of 1901), shall be deemed to have been made, issued or sanctioned by or in respect of the said Municipalities under the appropriate provisions of the said Act on the said date and continue in force until altered, repealed or amended by a competent authority.
		(*2*) All references to the Baroda Government or to any Officer of the Baroda Government in any such rules, by-laws or orders shall be construed as references to the Government of Bombay or the corresponding officer of the Government of Bombay, as the case may be: and all licenses, permits or permission issued or given under any such rules, by-laws or orders shall also continue in force until superseded or modified by a competent authority."

Enactments.	Names of States.	Amendments.
1	2	3
[1][The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States.	In sub-section (*3*) of section 1, the following proviso shall be added at the end, namely :— 'Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part the said States'.]
[2][The Bombay Medical Act, 1912 (Bom. VI of 1912).	All merged States.	After section 8, the following new section shall be inserted, namely :— Registration of medical practitioners registered in merged States. '8A. (*1*) Notwithstanding anything contained in section 7, every person— (*a*) whose name, immediately before the date of merger of the State with the State of Bombay, stood registered as a medical practitioner in the register of medical practitioners maintained under any law for the time being in force in the merged State; and (*b*) who holds any of the qualifications specified in the Schedules to the Indian Medical Council Act, 1933, or this Act, shall be deemed to be a medical practitioner registered under this Act. XXVII of 1933. (*2*) If any question arises whether any person is deemed to be a registered medical practitioner under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.'
The Bombay Medical Practitioners' Act 1938 (Bom. XXVI of 1938).	All merged States.	(1) After section 17, the following new section shall be inserted, namely :— Registration of persons registered in merged States. '17A. (*1*) Notwithstanding anything contained in section 16, every practitioner, whose name immediately before the date of merger of the State with the State of Bombay, stood registered as a practitioner in the register of practitioners maintained under any law for the time being in force in the merged State corresponding to this Act shall be deemed to be a practitioner registered under this Act.

[1] This entry was added by Bom. 44 of 1950, s. 2.
[2] These entries were added by Bom. 21 of 1951, s. 2.

Enactments.	Names of States.	Amendments.
1	2	3
The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938)—*contd.*	All merged States	(2) If any question arises whether any person is deemed to be a registered practitioner under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final.
		(2) After section 18, the following new section shall be inserted, namely :—
	Registration of other persons registered in merged States.	'18-1A. (*1*) Any person other than the one specified in section 8A of the Bombay Medical Act, 1912, or section 17A of this Act, whose name immediately before the date of the merger the State with the State of Bombay stood registered in the register maintained under any law for the time being in force corresponding to either of the aforesaid Acts shall be entered in the list. VI of 1922.
		(2) If any question arises whether a person is entitled to have his name entered in the list under sub-section (*1*), the matter shall be referred to the Surgeon General with the Government of Bombay for decision and his decision shall be final. ']

FOURTH SCHEDULE.

1. The Agricultural Banks Act, 1924 (Baroda Act XVIII of 1924).
2. The Caste-Tyranny Removal Act, 1933 (Baroda Act LV of 1933).
3. The Kolhapur Hill Station Act, 1945 (Kolhapur Act LXII of 1945).
4. The Sawantwadi Prevention of Malaria Act, 1947.

FIFTH SCHEDULE.

I	II
Enactments.	Names of States.
The Government Loan Rules, 1931	Baroda.
The Watan Rules, 1932	Baroda.
The Dabhel Simlak Madressa Act, 1941 (II of 1941) ...	Baroda.
The Hindu Act, 1937 (XXXVII of 1937) ...	Baroda.
The Maharaja Sayajirao University of Baroda Act, 1949 (XVII of 1949) as amended by the Baroda State (Application of Laws) Order, 1949.	Baroda.
The Okha Port Rules	Baroda.
The Rules (Digest) of Hindu Law, 1920 ...	Kolhapur.